

Senate File 458 - Introduced

SENATE FILE 458
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1218)

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 414.33 Owner-occupied and
2 residential rental property.

3 1. A council may, only in accordance with this chapter,
4 adopt and enforce an ordinance to regulate and restrict use
5 or occupancy of property based upon familial and nonfamilial
6 status.

7 2. An ordinance adopted and enforced under this section
8 shall require the following:

9 a. That the board of adjustment make a special exception to
10 the ordinance, pursuant to section 414.12, if the owner of an
11 owner-occupied property petitions for such a special exception
12 and if making the special exception would not be contrary to
13 the public interest.

14 b. That the board of adjustment grant a variance from the
15 terms of the ordinance, pursuant to section 414.12, if the
16 owner of an owner-occupied property makes an appeal for such a
17 variance and if granting the variance would not be contrary to
18 the public interest.

19 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
20 2016.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the authority of cities to regulate and
25 restrict the occupancy of property.

26 The bill provides that a city council may adopt and enforce
27 an ordinance to regulate and restrict use or occupancy of
28 property based upon familial and nonfamilial status in
29 accordance with Code chapter 414. The bill further provides
30 that such an ordinance adopted shall require that the board
31 of adjustment make a special exception to the ordinance if
32 the owner of an owner-occupied property petitions for such a
33 special exception and if making the special exception would not
34 be contrary to the public interest. The bill also provides
35 that the ordinance must require that the board of adjustment

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1 grant a variance from the terms of the ordinance if the owner
2 of an owner-occupied property makes an appeal for such a
3 variance and if granting the variance would not be contrary to
4 the public interest.

5 The bill takes effect January 1, 2016.